

AMENDED IN SENATE MAY 6, 2008

**SENATE BILL**

**No. 1299**

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**Introduced by Senator Migden**

February 20, 2008

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~~An act to add Section 7060.8 to the Government Code, relating to~~  
*An act relating to residential real property.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Migden. Residential real property: ~~price control.~~ *affordable rental housing.*

Existing law prohibits, except as specified, a public entity from compelling the owner of residential real property to offer, or to continue to offer, residential rental units for rent or lease. Under existing law, if residential rental units subject to rent or lease price controls are demolished and new ones are constructed on the same property, the new residential rental units are subject to those price controls, as specified.

~~This bill would authorize a city, county, or a city and county having a rental or lease price control system to require a property owner, as specified, to replace the same number of residential rental units that were demolished either on the same property or at another location determined by the property owner and the local entity, and to make the replacement residential units subject to the price control that applied to the demolished units.~~ *require the Legislature to study the loss of affordable rental housing resulting from condominiums being constructed on the sites of demolished residential buildings that were subject to price controls, and to examine the authority of public entities under existing law to regulate the withdrawal from rental or lease of residential units subject to price controls. The bill would also declare*

*the Legislature's intent that existing residential rental price controls be broadly construed to allow public entities to protect the availability of residential housing.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) The Legislature shall study the loss of*  
2     *affordable rental housing stock resulting from the construction of*  
3     *condominiums on the sites of demolished residential buildings that*  
4     *are subject to price control, and shall examine the authority of*  
5     *public entities to regulate the withdrawal from rental or lease of*  
6     *those buildings pursuant to Section 7060.2 of the Government*  
7     *Code, to ensure that public entities have adequate authority to*  
8     *protect affordable rental housing stock.*

9     *(b) It is the intent of the Legislature that the provisions of the*  
10    *Costa-Hawkins Rental Housing Act (Chapter 2.7 (commencing*  
11    *with Section 1954.50) of Title 5 of Part 4 of Division 3 of the Civil*  
12    *Code) and the Ellis Act (Chapter 12.75 (commencing with Section*  
13    *7060) of Division 7 of Title 1 of the Government Code) are broadly*  
14    *construed in favor of public entities to allow those entities to*  
15    *protect residential housing stock.*

16    ~~SECTION 1. Section 7060.8 is added to the Government Code,~~  
17    ~~to read:~~

18    ~~7060.8. Notwithstanding any other provision of law, a city,~~  
19    ~~county, or a city and county that has in effect any control or system~~  
20    ~~of control on the price at which accommodations may be offered~~  
21    ~~for rent or lease may, by ordinance or by regulation, require that~~  
22    ~~if the accommodations are demolished and replaced with residential~~  
23    ~~units on the same property, that the owner of the property either~~  
24    ~~include the same number of residential rental units on the property~~  
25    ~~as were demolished and that were subject to price control or~~  
26    ~~provide for that number of residential rental units at another~~  
27    ~~location determined by agreement between the owner of the~~  
28    ~~property and the city, county, or city and county where the property~~  
29    ~~is located. Notwithstanding any other provision of law, an~~  
30    ~~ordinance or regulation adopted pursuant to this section may~~  
31    ~~require that the replacement residential units be subject to the price~~

- 1 ~~control or system of price control that applied to the demolished~~
- 2 accommodations.

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